

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**WALTER RICHARD FRANKLIN**  
**#08035544,**

Petitioner,

v.

**PARDONS AND PAROLE and**  
**DALLAS COUNTY JAIL,**

Respondents.

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Civil Action No. **3:09-CV-1192-L**

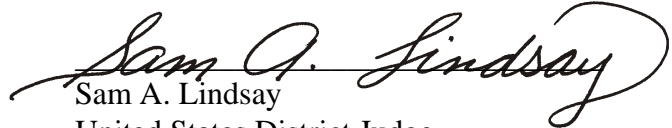
**ORDER**

Before the court is Petitioner Walter Richard Franklin's Petition for Writ of Habeas Corpus, filed June 23, 2009. The petition was referred to United States Magistrate Judge Wm. F. Sanderson, Jr., who filed Findings, Conclusions, and Recommendation of the United States Magistrate Judge (the "Report") on September 9, 2009. Petitioner has filed no objections to the Report.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. The magistrate judge found that Petitioner has failed to exhaust his state court remedies, and that his petition must therefore be dismissed. Petitioner concedes that he did not present any of his claims to the Texas Court of Criminal Appeals in a state habeas application before pursuing federal relief.

Accordingly, after having reviewed the petition, file, record, and the Report in this case, the court determines that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. The court **dismisses without prejudice** the writ of habeas corpus, because Petitioner has failed to exhaust his state court remedies.

**It is so ordered** this 13th day of October, 2009.

  
Sam A. Lindsay  
United States District Judge